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UNITED STATES DEPARTMENT OF JUSTICE
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E-Filed: December 10, 2021

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LUSSO AUTO, LLC,

Debtor.

Case No: BK-S-21-14567-NMC
Chapter 11

Date: January 11, 2022
Time: 9:30 a.m.
Location: Foley Ctrm. 3, Telephonic
Tel: (877) 411-9748; Code: 8931051#

**DECLARATION OF MELINDA R. DAVIS IN SUPPORT OF THE MOTION OF THE
U.S. TRUSTEE, PURSUANT TO 11 U.S.C. §§ 1112(b) AND (e), AND FEDERAL RULES
OF BANKRUPTCY PROCEDURE 1017(f) AND 9014,
TO DISMISS OR CONVERT CHAPTER 11 CASE AND RESERVATION OF RIGHTS**

I, Melinda R. Davis, declare as follows:

1. I am employed as a Paralegal Specialist in the Office of the United States Trustee, Region 17. I have personal knowledge of the facts set forth herein and based on that personal knowledge I assert that all such facts are true and correct to the best of my knowledge. To the extent I base my testimony upon information and belief or upon admissible evidence other than my personal knowledge, I will specifically so state.

2. I make this declaration in support of the *Motion of the U.S. Trustee, Pursuant to 11 U.S.C. §§ 1112(b) and (e), and Federal Rules of Bankruptcy Procedure 1017(f) and 9014, to Dismiss or Convert Chapter 11 Case and Reservation of Rights* (the "Motion"), which seeks to dismiss or convert the case of the above captioned debtor Lusso Auto, LLC ("Debtor").

1 3. I have reviewed the case docket for this case, as well as the Debtor's petition,
2 motion to extend, motion to withdraw, and creditor's motion for relief from the automatic stay,
3 and an order lifting the automatic stay on the Debtor's automobile.

4 4. Based on my review of the Case Docket, this case was filed on September 18,
5 2021. [*See generally* case docket; *see also* ECF No. 1].

6 5. Based on my review of the Debtor's petition and the Case Docket, Debtor filed a
7 five page petition, but has failed to file any schedules or a statement of financial affairs. [*See*
8 *generally* case docket; *see also* ECF No. 1].

9 6. Based on my review of the Debtor's motion to extend and the Case Docket,
10 Debtor filed a motion to extend the deadline to file schedules, which was set for hearing on
11 November 16, 2021, but no order has been entered granting that motion. [*See generally* case
12 docket; *see also* ECF Nos. 14-17].

13 7. Based on my review of Ford Motor Credit Company's motion for relief from the
14 automatic stay and the Case Docket, creditor Ford Motor Credit Company filed a motion for
15 relief from the automatic stay on 2019 Ford F350 on October 6, 2021 that was granted by an
16 order entered on November 22, 2021. [*See generally* case docket; *see also* ECF Nos. 19-21 &
17 35].

18 8. Based on my review of the Debtor's proposed counsel's motion to withdraw and
19 the Case Docket, Debtor's counsel of record moved to withdraw as counsel on October 21, 2021
20 with a hearing set on shortened time for November 16, 2021. However, no order has yet been
21 entered granting that motion to withdraw. [*See generally* case docket; *see also* ECF Nos. 26-31
22 & 33].

23 9. Based on my review of the Case Docket, Debtor has failed to file monthly
24 operating reports for the partial month of September 18-30, 2021 and for October 2021. [*See*
25 *generally* case docket].

26 10. On December 9, 2021 I appeared at the continued 341 meeting of creditors,
27 however the Debtor's representative and counsel of record failed to appear, and the 341 meeting
28 was continued to January 20, 2022. [*See* ECF No. 36].

1 11. On November 17, 2021 the Court entered an order to show cause why this case
2 should not be dismissed for failing to be represented by counsel, which is set for hearing on
3 January 18, 2022. [See ECF No. 33].

4 12. Based on my review of the case docket, Debtor has taken no action of record in
5 this case since its counsel of record filed a certificate of service on October 27, 2021. [See
6 *generally* case docket].

7 13. Based on my review of the case docket, Debtor has never filed a disclosure
8 statement or plan in this case. [See *generally* Case Docket].

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Executed on December 10, 2021 in Las Vegas, Nevada.

11 /s/ Melinda R. Davis
12 Melinda R. Davis
13 Paralegal Specialist for the
14 United States Trustee, Region 17